

PATENT

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Inventor : MARKS, Daniel L.  
Serial No. : 09/399,578  
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For : GROUP COMMUNICATIONS MULTIPLEXING  
SYSTEM  
Group Art Unit : 2452  
Examiner : WINDER, Patrice

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MS: No Fee Amendment  
The Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF PROFESSOR LEE A. HOLLAAR**

S I R :

I have personal knowledge of the subject matter of this declaration, and if called as a witness, would testify thereto.

1. My name is Lee A. Hollaar. I am a Professor of Computer Science in the School of Computing at the University of Utah, where I have been a faculty member since 1980. Prior to that, I was a faculty member at the University of Illinois at Urbana-Champaign. I received my Ph.D. in Computer Science from the University of Illinois at Urbana-Champaign in 1975. I am also a Registered Patent Agent.

2. As a professor at the Universities of Illinois and Utah, I have taught courses in software and system development, including courses in which students had to complete system development projects.

3. I have been retained to give my opinion as to the pending claims, Office Action of January 11, 2012, and cited art referenced therein.

4. In my capacity as a professor, I am familiar with those having ordinary skill in the art as I have been teaching courses to them, including, at about the time of the application, a year-long senior software project course as well as courses in data communications.

5. **Censoring data in the communications.** The Examiner has misunderstood the claims and Brown in finding (Office Action page 7, claim 1) that it taught:

determining whether the first user identity is censored from receiving data in the communications, the data presenting at least one of a pointer, video, audio, a graphic, or multimedia (column 9, lines 50-55, censoring taught by user role and exclusion rights...”

and (Office Action page 9, claim 170):

determining whether at least one of the first user identity and the second user identities, individually, is censored from sending in the (sic data) communications data presenting at least one of a pointer, video, audio, a graphic, or multimedia (column 9, lines 50-55....

These findings have misread “in the communications” out of the claims by confusing static “data” in the form of the information stored by Brown in his BBS with “data in the communications” or “content in the communications” as claimed. Brown discloses nothing about censoring “data in the communications” or determining whether to do so in connection with the receiving or sending of the data in the communications.

6. **Censoring sending and receiving** (data in the communications). This misreading of Brown and the claims allows the Examiner to lump together claims directed to censoring “receiving,” such as claim 1, with claims directed to censoring “sending,” such as claim 170 - even though these are different operations, which is why the following finding from page 8 is not correct:

claims 170, 435, 604, 877-878, 884-885, 891-892, 955-962, 973-976, 978-982, and 985-988 are rejected on the same rationale as claim 1....

“Receiving” does not mean “sending,” and the Examiner has read these terms out of the claims as well.

7. **Censoring / determining.** The Examiner has also misread the censoring out of the claims by lumping together the separate operations of “determining whether the first identity and the second identity are able to form a group,” and the determining whether the first user identity is censored from receiving or sending data in the communications, as in claims 1 and 170.

A. Brown is directed to access rights or users of a computer network with respect to data entities specified by a relational database. An overview of a Chat Service starts at 9/37. Of particular relevance in Brown is that “Chat rooms and BBS messages are two types of content objects that may be accessed by users.” (10/15.) Since the described access control is for content objects, and the objects control access to “chat room,” the objects of Brown pertain to forming a group, not censoring the individual messages of a chat, as discussed in detail at 10/21 through 10/35.

B. While Brown also controls the content object “BBS messages,” these are individual items statically stored on a server and are therefore fundamentally different from communications being dynamically sent or distributed from one of the participator computers to another, as more precisely set out in the claims. 10/46 through 10/53 discusses the operations allowed on BBS messages.

C. Forming grouping is not the same as censoring messages after a group has been formed.

8. **Real time.** Another problem with the findings regarding the “censoring” steps is that the Office Action reference in Brown is to his BBS teaching (9/50-55), which clearly says that it is about “non-real-time conversations” (9/58), in contrast to claims directed to real time

communications. Brown's access control for Chat is just whether you can join a group, not about censoring the individual communications based on the particular type of data in the communications.

9. **The data presenting at least one....** Further, claims 1 and 170, etc. refer to censoring with respect to “the data presenting at least one of a pointer, video, audio, a graphic, or multimedia,” and there is no disclosure of this in Brown.

10. **Authenticated user identity.** Additionally, as to all claims, the Examiner has misunderstood Brown in that it makes no disclosure about an identity being authenticated. Thus, illustratively at page 7 of the Office Action, the Examiner has incorrectly interpreted Brown as disclosing, at 9/13-32 “an authenticated user identity.” Regarding the “sysops” with special privileges, that does not necessarily require an “authenticated user identity.” The privilege could result, for example, by the person accessing the system through a system console connected to a special port of the computer, which was common for computer systems, for example, where the console was a special device connected physically and mechanically to the computer.

11. **Pointers.** The Examiner is correct on page 8, that “Brown does not specifically teach a pointer or a pointer triggered message.” However, the finding on page 8 that “Tarau taught a pointer or a pointer triggered message within the communications of LogiMOO (page 8, lines 1-28, 53-62; page 13, Table 1) is simply wrong.

A. Page 8, lines 1-28 describes the advanced features of the browser that LogiMOO uses, including “frames and forms,” a “plug-in for VRML [Virtual Reality Modeling Language] navigation,” the use of “JavaScript to help BinProlog control Netscape frames,” and “BinProlog-based lightweight CGI-scripts.” URLs in LogiMOO are used to represent objects, not “pointer-triggered messages” in real-time communications, as required by the claims.

B. Page 8, lines 58-62 (actually, page 8, line 58, through page 10, line 9, to complete the paragraph) discusses how URLs are used in LogiMOO “to provide the ability to

create those persistent links dynamically, as the result of a controlled natural language interaction with the user or her decision to trigger the action of a building agent.” Again, this is quite different from pointers or pointer-triggered messages in real-time communications.

C. Table 1 on page 13 does not show pointers or pointer-triggered messages. What it does show is how the natural language (NL) input is parsed into commands, and what those commands do. That has no relationship whatsoever with pointers or URLs.

12. **Multimedia.** Multimedia is mentioned only in Brown’s Background of the Invention in connection with “end users are given differing levels of access to different content entities ... multimedia files ...” 1/16-21, and at 7/24-27. “Additional service groups (not shown) are provided to implement other on-line services, including Mediaview (a service which provides multimedia titles to end users).” This, for example, does not teach “based on authorization associated with presentation of graphical multimedia (content category of Internet content includes graphical multimedia, column 23, lines 40-58); and based on the authorization, presenting facilitating presentation of the graphical multimedia at an output device of the second use identity (column 23, lines 7-18, 40-55” or anything of the sort. Similarly, it does not teach “the graphic and multimedia = Internet content,” in the office action at page 8 or “Internet content = graphic, Office Action at page 10” or anything of the sort.

13. The Examiner has also misunderstood LogiMOO. LogiMOO is about how use natural language techniques, such as handling anaphora, to control a virtual world. The only discussion of multi-media in LogiMOO is to say that by embedding LogiMOO in a browser such as Netscape, it is possible to provide multi-media support. But that support is not in real-time, but is instead displaying a multi-media file obtained from some server.

14. Regarding “Chat” (which is the only “real-time communications” taught by Brown), all it says is that “Voice and/or video capabilities may additionally be provided.” And Brown does not teach what the nature of the voice or video capability “may” be. Is it something done in real-time

as part of chat, or is it simply a way to access a server containing a video, which can then be viewed at a later time? See 9/52-55, where there is no teaching of different data types being integrated into multimedia data.

15. Importantly, Brown does not even teach that he has done it. The language is prospective, saying that it “may” be done, but by who? Not necessarily Brown, so is Brown a teaching of a problem waiting for Marks to solve?

16. **Brown and LogiMOO.** The proposed reason to modify Brown for the hundreds of claims and permutations is “to integrate an on-line game service as suggested by Brown and provide another on-line service to users.” (Office Action at page 8). Such a reason is so broad and vague that it would, if valid, allow the combination of essentially any Internet references and essentially prohibit patentability for innovatively “providing another on-line service to users.” That motivation to combine also is not directed to the claimed invention, and in particular, the problem that it intended to solve.

17. The description in the combination of Brown and LogiMOO collectively is not adequate to allow a person skilled in the art to implement the claims. There is no disclosure whatsoever, in either reference, of censoring in the manner set out in the claims, and there are no details given about how such an apparatus might operate or how it could be configured.

18. I do not see how one can combine two references, neither of which teach the claimed censoring of data in the communications. Yet that is what the examiner claims to have done.

19. The combination provides no substantial guidance to any implementation. In my opinion, as much experimentation and development would be required as would be the case if the developer had never seen the combined references.

20. Had I provided a system description as in the combined references to one of my senior computer science project courses and asked them to produce a claimed apparatus, I would have been bombarded with questions regarding what I really wanted, because the assignment

would have been far too vague.

21. In sum, it is my opinion that the combination of Brown and LogiMOO does not describe what the Examiner interprets, and the Examiner has simply ignored claim requirements out of existence in the claims, as stated above. Furthermore, the reason to combine or modify Brown and LogiMOO is vague, too broad, and unrelated to the claims and problems solved by Marks. Also, even if Brown and LogiMOO could be combined, the respective descriptions are so incomplete that a person skilled in the art at the time of the invention would have been unable to implement the claimed apparatus or carry out the method without undue experimentation and extensive development, with the combination of Brown and LogiMOO providing no substantial help.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: April 17, 2012

A handwritten signature in black ink, appearing to read 'Lee A. Hollaar', with a stylized, cursive script.

Lee A. Hollaar